

FOREIGN PATENTS.

H. HOWSON.

T

215

H 86

LIBRARY OF CONGRESS.

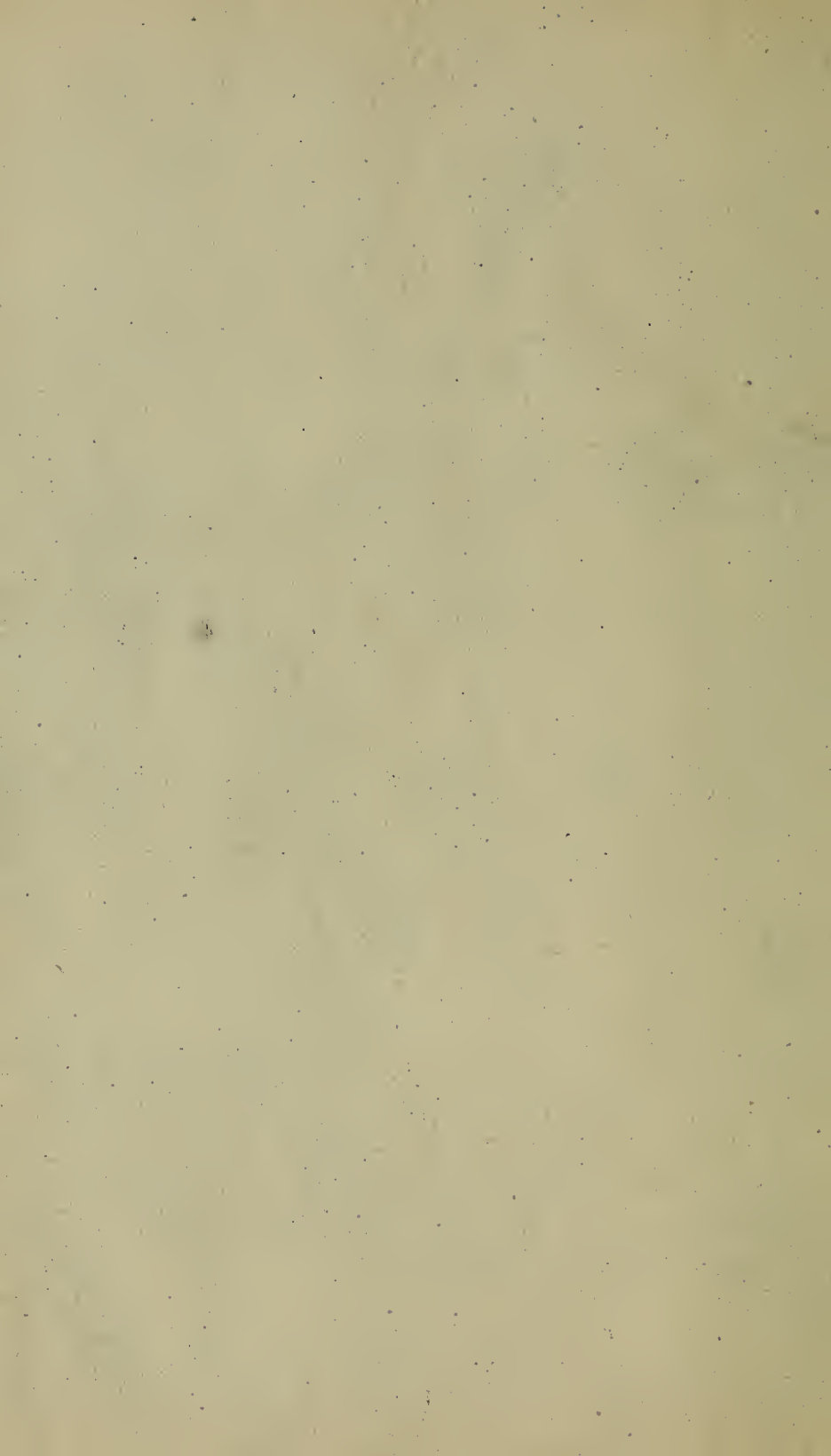
*Chap.* T 215

*Shelf* H 86

*Copyright No.*

UNITED STATES OF AMERICA.









2939

INFORMATION  
AND  
ESTIMATES  
RELATING TO  
FOREIGN PATENTS,  
BY H. HOWSON.



PUBLISHED AT  
THE UNITED STATES  
AND  
EUROPEAN PATENT OFFICES,  
Forrest Place, 123¼ South Fourth Street,  
PHILADELPHIA.

Library of Congress.  
1867  
City of Washington.

---

Entered, according to Act of Congress, in the year 1866, by  
HENRY HOWSON,  
in the Clerk's Office of the U. S. District Court in and for the Eastern District of  
Pennsylvania.

---

5-24976

T215  
H86



# INDEX.

---

	PAGE.
INTRODUCTION: . . . . .	5 to 14
Preparation of papers for Foreign Patents, . . . . .	9
Foreign Agents, . . . . .	9
Sale of Foreign Patents, . . . . .	10
Charges for Foreign Patents, . . . . .	10
Prudential steps in applying for Foreign Patents, . . . . .	12

## ESTIMATES AND PARTICULARS RELATING TO

Patents in AUSTRIA, . . . . .	22
“ “ Baden, . . . . .	35
“ “ BAVARIA, . . . . .	32
“ “ BELGIUM, . . . . .	20
“ “ Denmark, . . . . .	36
“ “ FRANCE, . . . . .	18
“ “ GREAT BRITAIN AND IRELAND, . . . . .	15
“ “ “ “ France and Belgium, simultaneous Patents in, . . . . .	22
“ “ Hanover, . . . . .	33
“ “ HOLLAND AND DUTCH WEST INDIES, . . . . .	24 & 25
“ “ ITALY, . . . . .	27
“ “ Norway, . . . . .	36
“ “ Poland, . . . . .	27
“ “ Portugal, . . . . .	39
“ “ PRUSSIA, . . . . .	31
“ “ RUSSIA, . . . . .	26
“ “ Saxony, . . . . .	34
“ “ Sweden and Norway, . . . . .	35
“ “ Sweden, . . . . .	35
“ “ SPAIN AND CUBA, . . . . .	37 & 38
“ “ Wurtemberg, . . . . .	34
“ “ Zollverein—Convention of, . . . . .	29

	PAGE.
Patents in Colonies—British, . . . . .	40 & 41
“ “ “ Cape of Good Hope, . . . . .	41
“ “ INDIA . . . . .	41
“ “ VICTORIA (Australia), . . . . .	40
“ “ “ SPANISH-CUBA, . . . . .	38
“ “ “ Dutch West Indies, . . . . .	25
“ “ Mexico, . . . . .	41
“ “ SOUTH AMERICAN STATES, . . . . .	42 & 43
“ “ Argentine Confederation, . . . . .	43
“ “ Brazil, . . . . .	42
“ “ Chili, . . . . .	42
“ “ New Grenada, . . . . .	42
“ “ Paraguay, . . . . .	43
“ “ Peru, . . . . .	42
CERTIFICATES AND REFERENCES, . . . . .	44 to 48

## Introduction.

---

It is believed that the following pages present the first effort made in this country to combine with the merely *business* character of a circular relating to Foreign Patents, the more valuable properties of a hand-book, explanatory of the various laws by which these patents are regulated.

It appears to have been the general but very questionable policy of patent solicitors to give to inventors as small a share as possible of knowledge upon the subject of foreign patents, and to hide all transactions relating thereto beneath a cloak of mystery.

The writer does not see either the necessity or propriety of such concealment, while he *does* perceive that its policy may not unreasonably be suspected of originating in a want either of integrity or of knowledge.

In this circular, therefore, he has included summaries of the various foreign patent laws—summaries necessarily short, but yet sufficiently full to impart to inventors a fair knowledge of the rights and duties attaching to patents granted under those laws.

While it is true that American ingenuity enjoys a high reputation abroad, it is no less true, that in too many

instances the inventors who have earned this reputation do not enjoy its legitimate fruits.

This is attributable partly to neglect to take due advantage of foreign patent laws, and partly to the fact, that either through the excusable ignorance of inventors themselves, or through the culpable incompetency of professed patent agents, foreign patents, when obtained, often prove worthless, and the money expended upon them a waste.

Inventors labor under many errors of a character most fatal to their interests abroad, and are being continually confirmed in these errors by the public and private bad advice of persons assuming to be competent authorities upon the subject.

As an instance of these errors may be cited the general delusion, that in applying for British patents, it is merely necessary for the inventor, or his agent, to send a copy of the American patent or specification to some London patent solicitor.

The evil results of such a course will be understood, when it is borne in mind that the specifications of English and other foreign patents are, or rather should be, very different documents from those required in this country, and that an invention with a variety of modifications which would require separate United States patents, can be included in one English patent, if the title and specification be carefully prepared by one experienced in such matters.

This fact appears to have escaped the attention of many professed foreign patent agents. A circular now

before the writer actually advises inventors only to send simple copies of their American patents, as being fully sufficient to protect their inventions abroad.

Another circular, emanating from a firm of professed experience, publishes the extraordinary announcement that it will procure an English patent for fourteen years for three hundred dollars in gold, and this in spite of the notorious fact that the original cost of an English patent, including all fees, is from three hundred to four hundred dollars in currency, and that this payment is for three years only, there being on the third year of the patent's existence a tax of fifty pounds sterling, and on the termination of the seventh year, an additional Government tax of one hundred pounds sterling.

It is time that inventors were cautioned, and warned to be careful of placing themselves at the tender mercy of wholesale patent companies with loud sounding titles, or of those who either desire to avoid the trouble, or are unable to perform the duty of preparing the papers in accordance with the requirements of foreign countries.

There are patent agents who reside and have their headquarters in London, Paris, and other European cities, and who profess to have branch agencies in the United States. It is scarcely necessary to caution inventors of the danger of patronizing establishments, the responsible heads of which cannot be reached without a trip across the Atlantic.

The proprietor of these offices is responsible for the accurate preparation of all papers, for the proper expen-

diture of all moneys, and for the acts of his correspondents abroad.

The writer has no desire to arrogate to himself a superiority as regards integrity or attainments to other respectable agents engaged in the business of procuring foreign patents.

He is content to rest his success in the past, and his claim to the future patronage of inventors, in this branch of his profession, upon advantages gained, as they only can be gained, by a practice as a Patent-Attorney abroad.

He would suggest that in the course of such a practice, he must necessarily have become familiar with the character and localities of foreign manufactures, and of the demands of foreign tastes and habits, and that he is, therefore, fully competent to give sound advice as to what may or may not be profitably patented abroad. Of this qualification, the importance is to be estimated from the fact that the domestic success or value of an invention is not always a trustworthy criterion from which to judge its probable success elsewhere, and that perhaps no greater injuries or losses have been sustained by American inventors than those occasioned by an indiscriminate and ill judged procuring of foreign patents.

As an additional advantage arising from his practice abroad, the writer may be permitted to allude to that *technical* experience which enables him to prepare all necessary papers in this country, instead of permitting



foreign agents to exercise their own discretion and judgment in the matter.

## PREPARATION OF

### PAPERS FOR FOREIGN PATENTS.

The proprietor of these offices invariably gives his personal attention to the framing of specifications, and the preparation of other papers for foreign patents. Although a foreign specification is based upon that of the American patent, the wording and arrangement of the latter are generally discarded or modified, to meet the requirements of the country for which the specification is intended, such modifications of and additions to the inventions patented in this country, being introduced as may be deemed to the inventor's interest. The inventor (who can always be furnished with a copy of his foreign specification) is thus aware at the outset, of the extent of his claims abroad, and is certain that his views are properly set forth.

### FOREIGN AGENTS.

This establishment has, in the principal European cities, agents who have been selected not only as gentlemen of integrity and punctuality, but as occupying positions which enable them to give, at the proper time, publicity to the inventions intrusted to their care.

## SALE OF FOREIGN PATENTS.

It has been the invariable rule at these offices, and one which it is contended all Patent-Attornèys should strictly observe, not to speculate, or become pecuniarily interested in patent property, nor to undertake the selling of rights, which is a business entirely apart from that of an agent for procuring them. All business of this class, as far as regards United States patents, will, as heretofore, be declined at these offices.

With regard to foreign patents, the case is different, as the owners have seldom the opportunity of introducing them into the markets. The proprietor of this establishment will consequently use his utmost endeavors to obtain for his clients an adequate return for their foreign patents through reliable agents abroad, at the same time declining to become pecuniarily interested in such patents.

He is enabled to advance the interests of his clients by the publication of their inventions in many influential foreign journals, to the pages of which his communications have access.

## CHARGES FOR FOREIGN PATENTS.

As all the papers for foreign patents, obtained through these offices, are completed in this country, and the usual payment of foreign agents, for revision and alteration



is thereby avoided, the charges are much more moderate than those made at other respectable establishments. They are, however, considered sufficient to give an ample return for the important duties performed.

In consequence of the varying price of gold, and fluctuations in the rate of exchange, it has been deemed necessary to reorganize the estimates for foreign patents, in a manner which can be thoroughly understood.

The pound sterling, as a prevalent standard of value, has been adopted as the basis of all estimates, and whatever charges for foreign patents are made at these offices, it must be understood that one-third of the amount charged will be estimated at the value of five dollars per pound sterling, and the remaining two-thirds at whatever may be the rate per pound sterling when the money is paid. For instance: If the estimate for an English patent be sixty pounds, and the cost per pound, when the estimate is given, be six dollars and fifty cents, the sum to be paid will be as follows:

£20 at \$5 per £1	-	-	-	\$100 00
£40 at \$6.50 per £1	-	-	-	260 00

---

£60.

Total cost in U. S. currency, \$360 00

This system of estimating has been decided upon after careful consideration, and after correspondence with the agents who act for this establishment in foreign countries. When it is borne in

mind that, at other offices, the charges made are payable in gold, it is believed that the above arrangement will recommend itself to the approval of inventors *for its simplicity and fairness*. Taxes on French, Belgian, and other patents, as well as fees for assignments and agreements, are payable in gold or its equivalent.

The charges for foreign patents at these offices do not exceed those demanded from an inventor who applies personally to and seeks the aid of a leading practitioner in London or Paris.

## PRUDENTIAL STEPS IN

### APPLYING FOR FOREIGN PATENTS.

When an inventor who has made a discovery or improvement of such value as to justify an expenditure of money, sufficient to protect it by patents in one or more foreign countries, he should take prompt steps, for it is unfortunately true, that many foreigners, especially from the continent of Europe, and the writer is sorry to say some few Americans also, are constantly on the watch for new inventions, which they appropriate without scruple, either carrying them to foreign countries, and securing them there by patents in their own names, or sending them to confederates as unscrupulous as themselves.

To guard against the proceedings of these fellows, it

is well for an inventor, if he is fully satisfied, after careful examination, that his invention is new, to send his papers abroad prior to or at the same time as making application for a patent here. The most prudent course, however, is to first make the application in this country, and to wait until some action is taken on it by the officials of the United States Patent Office, whose duty it is to search foreign as well as domestic records, with the view of deciding the question of novelty. As soon as information is received that the official examination has resulted in favor of the applicant, he may then with safety proceed at once with his foreign applications. Should he, however, be unable to adopt this, the best course, his American patent can remain in the secret archives of the Patent Office for six months, during which he can take the necessary steps to protect his invention abroad.

In conclusion, the writer directs the attention of inventors to his lengthened practice in this city—a practice extending over a term of more than ten years, and to the success which during that time has attended him in the prosecution of this branch of his profession.

He has spared no pains or expense needed to increase his resources and facilities for the transaction of all business relating to foreign patents. He has recently imported many books and periodicals, forming a valuable library of reference, and furnishing a complete historical review of the development of all the branches of art, science and industry, from the opening of the seventeenth

century to the present time. He has established a complete and reliable system of foreign correspondence, and has formed in his offices, at Forrest Place, a department especially devoted to this branch. These, with other reasons, he believes fully justify him in inviting, with increased confidence in his ability to do them justice, the patronage of those inventors who may desire to procure foreign patents.

HENRY HOWSON.

PHILADELPHIA, October 1st, 1866.

# ESTIMATES FOR,

## AND PARTICULARS RELATING TO,

# Patents in Different Countries.

---

It should be distinctly understood that when an estimate is given, it includes both Government and agency fees, cost of preparing and engrossing provisional and final specification, parchment drawings, tracings, correspondence and express charges, translations, and everything necessary to complete the several patents.

---

### GREAT BRITAIN AND IRELAND.

British patents are granted for fourteen years to natives or foreigners, and since the act of 1852, extend to England, Ireland, Scotland, the Channel Islands, and the Isle of Man, but not to the colonies, which have separate patent laws. The following are considered proper subjects for British patents.

*First.*—Vendible articles, the result of chemical or mechanical processes, such as medicines, felt, water proof cloth, &c.

*Second.*—Machines, or improvements in machines.

*Third.*—Processes in some cases requiring, in others not requiring special machinery.

Patents are granted to the first inventor or first introducer, the latter having all the privileges allowed to the inventor. “In other words, the administrators of the law always read the word *inventor* in the statute as embracing an importer.” There have recently been

attempts to so legislate on this subject as to compel a foreign applicant for a British patent to present satisfactory proofs that he is the *bona fide* inventor of the thing claimed before his application can be entertained. It is hoped that a practice which holds out inducements to unscrupulous men to appropriate the inventions of our ingenious citizens, and secure them in England, may be speedily abolished by salutary legislation.

No model is required in applying for a British patent, but very complete duplicate drawings on parchment are demanded. Patents are granted either in the name of the applicant, or in that of an agent residing in England, as a communication from the applicant. If the former plan be adopted, the engrossed and stamped specification must be sent here to receive the applicant's signature. As considerable risk and delay is incurred in doing this, it is preferable to take the patent out in the name of a resident agent, who assigns it either to the applicant, or to those to whom the applicant may direct the transfer to be made.

No such examination as is made in this country of the novelty of an invention is made in England, the patent being, with very rare exceptions, granted without question, and always without any guarantee from the Government. The Attorney or Solicitor General of the Crown has, however, a right to except to cases which he considers unpatentable or objectionable. An interested party, too, may oppose the grant of a patent at a certain stage of the proceedings, and the opposition will be heard by the law officers of the Crown, who will award the patent to that applicant whom they may consider entitled to it.

An applicant for a British patent through these offices, should furnish sketches or rough drawings of his invention, or a draughtsman will be sent to copy any machines, so that the necessary complete drawings may be made. These, with the specification, will be forwarded to England on receipt of the fees given below, or on receipt of the first installment. In from five to six weeks after the papers are sent the certificate of provisional protection will be received here, and sent to the applicant, who in four months must give "*notice to proceed*." The second installment should consequently, in order that there may be no risk, be paid in three and a-half months after the first.



The patent will date from that of the provisional protection, and when the latter has been received, the invention is in a saleable condition. The proceedings at the British patent department, after the notice to proceed has been given, are somewhat tedious, the sealed patent being rarely received in this country within five months after said notice. If the entire fees be paid at once, however, instead of by installments, the patent can be delivered in much less time. The best plan is to pay the entire fees at once, so that instructions may be given to engross the complete specification immediately after the grant of provisional protection, instead of waiting three and a-half months before giving such instruction.

The cost of procuring an English patent at these offices will vary according to the length of specification, extent of drawings, etc. One of the following sums will be given as an estimate: £54, £57, £63, £69.

The fees are payable as follows. From £18 to £21, in advance; the balance in three and one-half months.

Should an application for an English Patent made through these Offices be opposed, and the applicant desire to meet the opposition, additional fees will be demanded.

As a proof of the rarity of opposition to applicants for English Patents, it may be stated that of one hundred applications made by the Proprietor of these offices, but two were rejected, one of them being opposed and abandoned, and the other being, it is believed, most unjustly objected to by the Attorney General, not for want of novelty, but on the ground that the alleged invention was not a proper subject for a patent.

Occasionally most elaborate drawings are necessary to illustrate an invention, and the specification is very voluminous. In such cases, which rarely occur, the cost of an English patent may reach £69.

The cost of an assignment of an English patent is from £5 to £6, 6s.

At or before the expiration of the third year of the existence of a patent, additional fees, amounting to £50, are demanded by the Government, and at or before the expiration of the seventh year, £100.

The applicant for a British patent can always ascertain the progress of his case, by examining the weekly list of patents published in the official journal of the Commissioner of Patents, or in the *London Engineer*, or the *Practical Mechanic's Magazine*, which journals are open for inspection at these offices.

Until within the last fifteen or twenty years patentees were treated with much illiberality in the English Courts, and although this injustice and severity has been relaxed, a patent is still subject to severe legal scrutiny, hence the necessity of exercising the greatest circumspection in preparing the specification, etc.

It should be understood that the correction of a patent, by re-issue, is not permitted in England as in this country, the only correction allowed being the striking out of parts by disclaimer.

## FRANCE.

*(Laws of July 5, 1844 and Dec. 26, 1854.)*

TO WHOM AND FOR WHAT GRANTED.—Patents of invention, and certificates of addition are granted to natives, and to foreigners residing or represented in France, for discoveries or inventions in any branch of industry, excepting for pharmaceutical compositions or remedies, and schemes and combinations concerning finance.

EXAMINATION.—There is no previous examination, nor any government guarantee, regarding the novelty, or merit of a patented invention, and a patentee publicly describing himself as such, or mentioning his patent without adding the words *S. g. d. G.*, "*Sans Garantie du Gouvernement*" (without guarantee of the Government) is subject to a fine.

DURATION.—Patents of invention are granted for the terms of five, ten, or fifteen years, at the option of the applicant, no after extension being allowed of the term chosen. For this reason, and as the division of the government tax into small annual installments, equalizes the first cost for all the terms, and enables the patentee to abandon his patent at any time by ceasing to pay the annual installments—application is generally made for the longest term.



**COST.**—The cost of procuring a French patent at these Offices will in ordinary cases be, inclusive of *first year's tax*, either £15, £18, or £21, according to the extent of drawings, specifications, &c.

Extraordinary cases, however, may occur, in which the intricacy of an invention, demanding unusually elaborate drawings and lengthy specifications and translations, will increase the cost of a French patent to £24.

**PATENT DUE.**—Within two months after forwarding from these Offices an application for French patent, the official certificate of deposit may be expected, and in four or five months the patent itself.

**PAYMENT OF TAXES.**—To parties obtaining French patents through these offices, due notice will be given by letter of the dates when the yearly taxes (amounting with agency fees to £5) should be paid.

**DATE.**—A French patent dates from the lodging of the application.

**OPERATION.**—A patented invention must be put into practice, within two years, under penalty of forfeiture of the patent.

**FORFEITURE** also attends the introduction into France of machines or objects of foreign manufacture, similar to those protected by the French patent. From this rule are excepted foreign patentees to the extent of a *first* machine, considered in that case, a model, and authorized by the government.

The power of inflicting the penalty of forfeiture rests with the civil courts, generally exercised only at the suit of outside parties.

It may be here remarked that the courts are lenient in the exercise of this power of forfeiture, and especially in the case of failure to practice a patented invention within the allotted term of two years, are very ready to receive any respectable excuse.

**ASSIGNMENTS**, total or partial, of French patents must be made by notarial act, after payment of the total government tax upon the whole duration remaining to the assigned patent, and no *unregistered* assignment is valid with regard to third parties.

**CERTIFICATES OF ADDITION** for improvements upon inventions already patented are granted to the original patentee or his **LEGAL**

representatives only. The duration of these certificates is limited to that of the patent to which they are attached.

FOR IMPROVEMENTS.—A patent of invention “for an improvement” upon an invention already patented, may be procured by the original patentee or his legal assigns, in place of obtaining a certificate of addition; or may be obtained by strangers to the first patent, provided they have the consent of the original inventor.

As regards the manner of obtaining, cost, and duration, these patents are similar to original patents.

## BELGIUM.

*(Royal Decrees of May 14, 1854, and March 27, 1857.)*

TO WHOM AND FOR WHAT GRANTED.—Patents of invention, importation, and improvement are granted to natives or foreigners, residing or represented in Belgium, for any discovery or improvement applicable to industry or commerce.

EXAMINATION.—The government makes no previous examination regarding, and in granting a patent does not guarantee, the novelty or merit of the invention.

DURATION.—Twenty years, the duration of patents upon inventions already patented abroad being limited to the term of such foreign patent.

In accordance with the latter rule, mention is generally made, in applying for Belgian patents, of the existence and date of a French patent for the same invention. The contiguity of Belgium to France, and the close associations and manufacturing enterprise of the two countries, make the possession of a patent in the one very essential to the value and efficiency of a like privilege in the other, while for the same reasons, the two patents may, without any disadvantage, be limited to a like term.

TAXES.—As regards government tax, the same divisional system of payment, attended with the same advantage to patentees, exists as in France, with this difference, however, that the amount of the annual installments increase slightly each year.

**COST.**—In ordinary cases, the cost of obtaining a Belgian patent at these Offices, will be (inclusive of the *first year's tax*) either £12, £15, or £18, according to the extent of specification, drawing, &c.

Rare exceptional cases, however, such as already alluded to in treating of French patents, may increase the cost of a Belgian patent to £21.

**PAYMENT OF TAXES.**—The annual taxes upon Belgian patents (*including commissions*) commence with £1, 16s. 0d. for the second year, and increase eight shillings yearly thereafter. Written notice of the dates when these annual taxes should be paid will be given to those obtaining Belgian patents through these Offices.

**PATENTS DUE.**—Belgian patents are generally received together with French patents for the same inventions.

**DATE.**—The date of a Belgian patent is that of the filing of the application.

**OPERATION.**—The working of a patented invention must take place within one year after the working of the same invention abroad, and must not, without good reason, be discontinued during one entire year.

**FORFEITURE.**—Forfeiture of the patent is the strict penalty for non-compliance with this rule. The government, however, is liberal in the matter, and will grant an additional year within which to put an invention into practice.

Forfeiture of the patent also follows neglect to pay the annual tax within one month after it has fallen due. The patentee may, however, recover his privilege, by paying, within six months, a fine of eight shillings in addition to the tax. In default of such payment the patent is irrevocably forfeited.

**ASSIGNMENTS** of Belgian patents are attended with no other conditions than that they be effected by notarial act, and properly registered.

**PATENTS FOR IMPROVEMENTS** upon patented inventions are granted gratuitously to the holder of the original patent, or upon paying the ordinary taxes to other persons having the consent of the original inventor. "Patents of improvement" are equivalent to French "certificates of addition."

## ENGLAND, FRANCE, AND BELGIUM.

Although an English patent is generally more valuable than that of any other foreign country, it is generally advisable to procure French and Belgian patents at the same time, as the latter are comparatively cheap, and the three countries are so near each other that the negotiations for the sale of the three patents can be conducted at the same time without much extra trouble. Moreover an English patent is rendered more valuable by the protection in France and Belgium, as the English purchaser may desire to buy the latter patents in order to prevent competition in, and importation from, the neighboring countries.

The following table gives the entire cost at these Offices of English, French and Belgian patents procured simultaneously, the estimates including agency and Government fees, drawings, translation, engrossing, correspondence, express charges and everything necessary to complete the three patents.

Cost in currency, when exchange is \$5.50 per £1, from

				\$432 to \$576
do.	do.	\$6	do.	459 to 612
do.	do.	\$6.50	do.	486 to 648
do.	do.	\$7	do.	513 to 684
do.	do.	\$7.50	do.	540 to 720
do.	do.	\$8	do.	567 to 750

## AUSTRIA.

*(Imperial Decree of August 15, 1852.)*

TO WHOM AND FOR WHAT GRANTED.—Patents are granted to natives or to foreigners residing or represented in Austria, for discoveries, inventions, or improvements, having for their object new industrial products, or new means or method of production.

Two or more inventions cannot be included in one patent, unless they refer to the same subject matter, as essential parts of it.

UNPATENTABLE.—Articles of food, drinks, and medicines.

PREVIOUS EXAMINATION extends in Austria to the regularity of application, and the *legal* patentability of the invention, but not to its novelty or utility, neither of these being guaranteed by the Government. No *valid* patent can be obtained excepting by an inventor or his legal representative.

DURATION.—Austrian patents are granted for fifteen, *or any less number* of years, patents for inventions already patented abroad, being limited to the unexpired term of the foreign patent, and being granted to the foreign patentee, or his legal representatives only.

TAXES, HOW PAYABLE.—The Government Tax is payable in advance for the whole number of years demanded.

PROLONGATIONS.—Patents originally granted for any term less than fifteen years, may be afterwards prolonged, year by year, or by terms of years (until the whole number shall have reached fifteen) upon payment of the tax for the periods of prolongation.

It is customary, to take advantage of this privilege, to apply in the first place, for a patent for *one* year, and thus secure at the smallest possible expense, a privilege which the holder may afterwards continue or abandon, as he may find desirable.

COST.—In ordinary cases, the cost of an Austrian patent, *including Government Tax for one year*, will be from £24 to £30.

COST OF PROLONGATION will be about £6 per year till the fifth year, for the sixth year, the cost will be about £7, after which it will increase 10 shillings annually until the tenth year, when it will be about £9, and from that time to the fifteenth year will increase £1 annually.

It should be understood, however, that the length of the original term, or of the prolongation of his patent, is entirely at the option of the applicant. For instance, *as is a very common practice*, the original term applied for may be *five years*, in which case, the cost, including entire government taxes for that term, will be about £36.

PATENT DUE.—Within from five to seven months after application.

DATE.—An Austrian patent dates from the delivery of the deed in Austria.

OPERATION.—One year is allowed by the law for putting a patented



invention into operation, but an extension of this period is readily allowed by the Government, to whom the actual putting into operation should be certified.

ASSIGNMENTS, total or partial, should be legally drawn and registered, and if total, attached to the assigned patent. These are the only conditions to which transfers are subject.

IMPROVEMENTS.—Improvements upon patented inventions must be protected by new patents.

## HOLLAND.

(*Law of January 25, 1817.*)

TO WHOM AND FOR WHAT GRANTED.—Patents of invention, improvement or importation are granted to natives or to foreigners represented in Holland. To persons not being inventors, patents of importation are granted, after declaration made of the name of the actual inventor.

DURATION.—Five, ten, or fifteen years, at the option of the applicant, patents of importation, however, being limited in duration to that of the original foreign patent.

PROLONGATION.—Patents for five or ten years may be prolonged, but such prolongations are obtained with difficulty.

TAXES.—The Government Tax varies according to the *term* demanded, and in the case of the two longer terms, according to the importance of the invention. This Tax is payable at the requisition of the Government, usually in the course of the second year following the grant.

COST.—The cost of making application through these offices for a Dutch patent, will be about £21 (exclusive of Government fee).

PAYMENT OF TAX.—The Government Tax, (with commission) for a five years' patent, will be £15; for a ten years' patent, from £27 to £36; and for a fifteen years' patent from, £54 to £66.

PATENT DUE.—The receipt of the official certificate of the grant of a Dutch patent may be expected in from two to eight months after application.

OPERATION.—Patented inventions must be put into operation within two years, under penalty of forfeiture.

FORFEITURE.—The Dutch law invalidates a patent in case the patentee shall afterwards obtain a foreign patent for the same invention. This is a silly and easily evaded regulation.

ASSIGNMENTS of patents are permitted by authorization of the King; they must be registered, and are subject to a Government Tax of about seven shillings.

IMPROVEMENTS—Improvements upon patented inventions, if made by the original patentee, and he makes application before the delivery of his original patent, may be protected without additional cost by a “Patent of addition.”

PATENTS FOR IMPROVEMENTS upon patented inventions are granted to the original patentee, for the duration of, and under the same terms and conditions as, his original patent or for one of the terms of five, ten, or fifteen years.

Patents of improvement may also be obtained by other parties, who cannot, however, make use of the principal invention during the term of the original patent.

Dutch patents do not extend to the colonies of that country.

## DUTCH WEST INDIES.

TO WHOM AND FOR WHAT GRANTED.—Patents are granted for inventions or improvements made by citizens of Holland or its colonies, or by foreigners.

DURATION, either five, ten, or fifteen years, but patents of importation are restricted to the term of the original foreign patent.

TAXES.—The taxes vary with the term, and with the importance of the invention, but if a patent has been obtained in Holland there is no tax beyond stamp duties.

OPERATION, FORFEITURE.—Patented inventions must be put into practice, and kept constantly on sale, at reasonable prices, within two years, under penalty of forfeiture, and the importation of the patented article, except from Holland or its colonies, is prohibited under the like penalty.

ASSIGNMENTS.—Assignments to be notified to the Governor-General.

## RUSSIA.

(*Imperial Decree, June 17, 1812.*)

TO WHOM AND FOR WHAT GRANTED.—Patents of invention or importation are granted to natives or foreigners for inventions in the arts or manufactures, after an examination is made as to the novelty and utility of the invention—neither of which, however, does the Government guarantee. If the application be found imperfect, it may be rectified by the applicant.

DURATION.—Patents for original inventions are granted for three, five, or ten years, at the option of the applicant; but for imported inventions the longest duration is six years, or that of the foreign patent.

TAX.—The Government Tax, which varies with the term demanded, is payable in advance, and in case a patent be refused, is returned, after deducting the expenses of stamp, conveyance, publication, etc.

COST.—The cost of a Russian patent of invention of	
three years will be	£54.
five       "       "	£75.
ten       "       "	£132.
Cost of a six years patent of importation	
	£111.

PATENT DUE.—The delivery of Russian patents is often long delayed, and therefore, no set times can be given for their receipt.

DATE.—Patents date from the day of the grant.

OPERATION.—A patented invention must be carried into effect within the first quarter of the duration of the patent, and the carrying into effect must be certified by the local administration, and the place where it was so carried into effect, notified to the Department.

ASSIGNMENTS.—Assignments must be made in the prescribed legal form, notified to the Department to which the patent belongs, and published.

FORFEITURE.—Russian patents are annulled upon proof that the



invention was not new in Russia; that in the description, parts essential to carry out the invention were concealed or omitted, or that the invention has not been practiced within the prescribed time; and if upon petition, brought by the actual inventor, the patentee be proved to have represented the invention of another as his own.

## POLAND.

(*Imperial Decree, Nov. 2, 1836.*)

TO WHOM AND FOR WHAT GRANTED.—Patents for inventions, discoveries or improvements are granted for three, five, or ten years; or patents of importation for the term obtained abroad; there is no previous examination, and consequently no guarantee.

TAX.—The Government Tax, varying with the duration, is payable in advance.

Applications must state whether the article to be patented is an original invention or an importation, and in cases of importation the article must be proved to be at the time patented abroad.

Remaining regulations like those of Russia.

## ITALY.

(*Jan. 31, 1864.*)

TO WHOM AND FOR WHAT GRANTED.—Patents of invention are granted to inventors, native or foreign, for any new industrial product or result, instrument, machine, or mechanical arrangement, process, or method of industrial production, motor or industrial application of known forces or technical application of a scientific principle to the production of direct and industrial results.

EXAMINATION.—No previous examination, as regards novelty. Inventions relating to foods and drinks are examined as to their fitness to be patented.

UNPATENTABLE.—Medicines, or inventions merely theoretic.

DURATION.—Patents are granted for terms of from one to fifteen

years, at the option of the applicant; but a patent for an invention already patented abroad expires with the foreign patent having the longest term, providing it be not more than fifteen years. Patents demanded for a less term than fifteen years may be prolonged.

**TAXES.**—The Government Taxes are divided into a fixed tax proportionate to, and payable in advance for, the number of years demanded, and an annual and triennially increasing tax, payable in advance, on the first day of each year of the patent's term.

In addition to these there are small taxes, payable upon applications for prolongation, or for certificates of addition or of reduction (which see).

In consideration of these regulations concerning taxes, and those concerning "operation," (which see), the term usually applied for in the first place is that of six years.

**COST.**—The ordinary cost of an Italian patent of six years, including entire proportional and first annual tax, £39. The annual tax (including commission) is for the

first three years	. . . . .	£3.12s.	per year.
second "	. . . . .	£4.12s.	"
third "	. . . . .	£5.12s.	"
fourth "	. . . . .	£6.12s.	"
last "	. . . . .	£7.12s.	"

Tax on application for an extension of the original term (with commission)	£3.	"
--	-----	---

**PATENT DUE.**—The patent is due in this country in from four to six months after forwarding the application.

**DATE.**—An Italian patent takes effect, with respect to other parties, from the date of application; but its duration commences from the last day of March, June, September, or December, which ever is nearest to the day when the application is made, and fractions of years are not accounted.

**DISCLAIMERS.**—Certificates of reduction, or disclaimers reducing a patent to one or more parts of the invention originally described, may be obtained by the patentee within the first six months of his patent, and upon payment of a small tax.

**CERTIFICATES OF ADDITION.**—Certificates of addition may be obtained by a patentee or his assigns for any modifications made

by them in the original invention, such certificates being granted for the duration, and partaking of extensions of the original patent.

**OPERATION.**—Patents for less than five years must be worked within the first year of the term—the working not to be interrupted for more than one year. Two years are allowed within which to commence operation, if the patent be for more than five years.

**ASSIGNMENTS.**—Deeds of transfer or assignment must be registered, and the transfer published in the Official Journal, and no unregistered assignment is valid as regards third parties. In case of partial transfer or assignment to several parties, the annual taxes upon the whole duration of the patent must be paid.

**FORFEITURE.**—Patents become void if the taxes be not paid within three months after they are due, or in default of operation within the specified time.

## CONVENTION OF ZOLLVEREIN.

The recent war in Germany has resulted in great territorial changes, many of the smaller German States having been absorbed by Prussia. What final disposition will be made of these conquered countries, as regards their local institutions and laws, it is impossible at the present writing to state.

As it has frequently been the practice in Europe for a Government on annexing previously independent states, to permit the latter to retain many of their peculiar laws and customs, it has been deemed proper to make mention of the various patent laws of the larger German States as the latter existed prior to the war, as also of the Convention of the Zollverein, by which the patent laws of all the States were, and it is presumed those of Prussia and Bavaria still will be, very materially effected.

Should any radical alteration be made in these laws, or should they be abolished, particulars will be given in a future edition of this book.

The following are the principal States which form, or rather formed, the “Zollverein:”—

Kingdoms of Prussia, Bavaria, Saxony, Hanover and Wurtem-

berg; in addition to these there were several Grand Duchies, an Electorate, Duchies, Principalities, a Landgraviate and a Free City.

By Convention, dated Sept. 21, 1842, between the twenty-five German States forming the "Zollverein," the following *principles* were agreed upon for regulating the grant of patents in those States. The terms of this Convention *override* where they are inconsistent with the *particular* laws of the respective States, and it is important to remember this fact, as it materially affects the laws of *Prussia, Bavaria, Hanover, Saxony and Wurtemberg*.

In Baden, and the other States of the Union, having no particular patent laws of their own, patents are granted entirely in accordance with the terms of this Convention, of which the most important are as follows:

Patents shall only be granted for inventions really *new* and *original*, and not in *any way* known within *the Union*, each State to decide for itself the question of novelty and originality.

An invention patented in one of the States of the Union can be patented in another State only by the original inventor or his assignee.

Improvements, *real and original*, upon patented inventions may receive patents, *subject to the rights of the original patentee*.

Patents shall not entitle the holders to forbid the importation, or the sale, or exportation of articles similar to those patented, nor to forbid the *use of imported articles*, excepting in the cases of *machines or tools* for industrial purposes, and not general articles of trade, destined for the public at large; *but* each Government may grant an exclusive right of *making and working, within its own dominions*, any particular article, or any new process, or machine, or instrument of manufacture, so that the patentee may forbid the use, unless with his consent, of the patented object or process.

If an invention for which a patent has been granted, be afterwards found not to have been new at the time of the grant, the patent may be annulled; but if it were within the *private* knowledge of a *few persons only*, the patent shall still be valid as regards all other than those persons.

Equal protection is to be granted to the subjects of the different

States, but the grant of a patent in one State is not to interfere with the right of refusal in another.

Patents granted to be published in the official papers of the States granting them, and complete lists to be interchanged annually between the States.

## PRUSSIA.

(*Oct. 14, 1815, and Zollverein Regulations of Sept., 1843.*)

TO WHOM AND FOR WHAT GRANTED.—Patents of invention, improvement or importation are granted to Prussians, or to foreigners represented by Prussians.

PREVIOUS EXAMINATION.—Inventions are subjected in Prussia to a most rigid examination as to novelty, and if they be improvements upon prior inventions, as to the *reality* and *utility* of the improvement, and a patent may be refused, or may be granted for certain parts only of the invention.

EFFECT.—The patentee of a process of manufacture cannot prohibit the importation of any articles, whether made by the patented process or not, but the patentee of a machine or mechanical contrivance may prohibit its use by other persons, whether it shall have been made within the country or abroad.

UNPATENTABLE.—The mere application of a known process or apparatus, to some other purposes than those to which it has hitherto been applied.

DURATION of a Prussian patent, at the least six months, at the most, fifteen years, is fixed by the Government. The term usually assigned is five years, and no extensions are allowed.

TAX.—The Government Tax is confined to fees for sealing and registration.

COST.—In ordinary cases, the entire cost of obtaining a five years Prussian patent, through these Offices, will be about £27.

PATENT DUE.—The patent, if granted, may be expected in from four to seven months after application.

OPERATION.—Six months are allowed by law within which to put a patented invention into operation, longer delays being however



allowed by Government. The putting into operation must be officially attested. Forfeiture of the patent may, at the pleasure of the Government, be the penalty for non-compliance with these regulations, as also for interruption of the operation continuing during one year.

ASSIGNMENTS of Prussian patents may be made to Prussian citizens. They must be effected before a Notary and certified to the Government.

### BAVARIA.

*(Laws of Sep. 11, 1825, and Dec. 17, 1853, and Zollverein Regulations, Sept. 1843.)*

TO WHOM AND FOR WHAT GRANTED.—Patents of invention, improvement and importation, are granted to natives and to foreigners residing or represented in Bavaria, for discoveries, inventions, or improvements in arts and trades, whether concerning a new article, a new means, or new process of manufacturing.

PREVIOUS EXAMINATION extends to novelty and utility, although neither are guaranteed by the Government.

DURATION, PROLONGATION, TAXES.—As regards duration and prolongation of patents and the payment of taxes, the Bavarian resembles the Austrian Patent Law.

Application is usually made for a two years' patent in the first place, although of course the term is at the option of the applicant.

COST.—In ordinary cases the cost of a Bavarian patent, including Government Tax for two years, will be about £33.

Extension will cost (with commission) about £5, for the third year, after which there will be an increase in cost of 16 shillings, annually, until the seventh year; from the seventh to the tenth, of £1 12s., annually; and from the tenth to the fifteenth year the annual increase of cost will be £2.

DATE.—A Bavarian patent dates from its grant.

OPERATION—FORFEITURE.—An invention, secured by patent of invention, for over six years, must be worked within three years, or in case of patents of less than six years, one half the term of the

patent; if by patent of importation, within one year, such working to be certified to the Government, and not to cease for two consecutive years under penalty of forfeiture of the patent.

ASSIGNMENT.—Assignments total, *but not partial*, of a patentee's rights, are permitted, such assignments being duly registered.

### \*HANOVER.

(*Law of April 5, 1850, and Zollverein Regulations of Sept., 1843.*)

TO WHOM AND FOR WHAT GRANTED.—Patents of invention, improvement, and importation are granted to natives and foreigners. Foreigners, however, can obtain patents only for inventions intended to be carried out within the kingdom.

PREVIOUS EXAMINATION is instituted into the *novelty* of an invention, which, however, is not guaranteed by the government.

DURATION of an Hanoverian patent is either five or ten years, at the will of the government, which usually assigns the shorter term.

PROLONGATION.—If application be made one year previously to the expiration of a five years' patent, it may be extended to the term of ten years, subject, however, to the rule that patents for imported inventions, patented abroad, cannot exceed the term of the foreign patent.

TAX.—The government tax is uncertain.

PATENT DUE.—A patent, if granted, should be received here in from three to nine months after application.

DATE.—A patent dates from its grant.

OPERATION.—Patented inventions should be worked within six months, and the working should not be interrupted during six months, but extensions of time are liberally granted.

ASSIGNMENTS may be freely made, and are subject to no prescribed formalities.

PATENTS FOR IMPROVEMENTS upon patented inventions must not interfere with the rights of the original inventor.

---

\*NOTE.—Since this clause has been in print, Hanover has become a portion of the Kingdom of Prussia.

## SAXONY.

(*Law of Jan. 29, 1853, and Zollverein Regulations of Sept., 1843.*)

**TO WHOM AND FOR WHAT GRANTED.**—Patents of invention, improvement, and importation are granted to natives or foreigners, residing or represented in Saxony.

**DURATION.**—The duration of a patent is either five or ten years, at the will of the government; in the case of a patent of importation always five.

**PROLONGATION.**—Extensions are allowed (excepting of patents of importation) if applied for a month before the expiration of the short term.

**COST.**—In ordinary cases a Saxon patent will cost £33.

**PATENT DUE.**—Patents are generally received in from four to eight months after application.

**DATE.**—A Saxon patent dates from its delivery.

**OPERATION.**—One year is allowed within which to work a patented invention; but an additional year is granted, on application made at least one month before the expiration of the first year.

**ASSIGNMENTS** are not regulated by any special law.

## WURTEMBERG.

(*Aug. 5, 1836.*)

**TO WHOM AND FOR WHAT GRANTED.**—Patents (of invention or importation) are granted for new articles, new machines, or new processes of manufacture.

**DURATION.**—Ten years at most, or for shorter terms, which may afterwards be prolonged.

**TAX.**—The government tax is divided into small annual installments, the first being payable on the delivery of the patent.

**COST.**—The ordinary cost of a Wurtemberg patent for three years, government tax included, will be about £33.

**PATENT DUE.**—Patents are generally received in this country in from three to six months after application.

**DATE.**—A Wurtemberg patent dates from its delivery.



OPERATION.—A patented invention must be worked within two years, and the working must not be interrupted during that length of time.

ASSIGNMENTS—Assignments not regulated by any special law.

## BADEN

Has no other law upon the subject of patents than the provisions of the Zollverein Convention of Sept. 21, 1842, to which it was a party. (See Zollverein, p. 29).

## SWEDEN AND NORWAY

Have distinct patents and patent regulations.

### SWEDEN.

*(Royal Ordinance of August 19, 1856.)*

TO WHOM AND FOR WHAT GRANTED.—Patents are granted to inventors, native or foreign, for new inventions, or new improvements upon old inventions, relative to industry or the arts.

PREVIOUS EXAMINATION as to the *character* of the invention, but none as to novelty or utility, which are not guaranteed.

UNPATENTABLE.—Medicines and mere unapplied principles.

ATTORNEYS.—A foreign patentee must have a Swedish representative, usually the resident attorney employed.

DURATION.—The duration of a Swedish patent is three years at the least, and at the most fifteen, according to the nature and importance of the invention; but a Swedish patent cannot extend beyond a prior foreign patent for the same invention.

TAX.—The government tax consists merely of administrative fees, and the cost of publishing the patent in an official journal, this publication being compulsory upon the patentee.

Cost.—A Swedish patent procured through these Offices, will usually cost £42.

**DATE.**—A Swedish patent takes date from the official publication of the grant.

**OPERATION.**—A patentee must, within two years (reducible by the Chamber of Commerce to one, and extendible to four years) furnish proof that he is in full practice of his patented invention, and proof must be furnished annually of the continuance of this practice.

**ASSIGNMENTS** may be effected by permission of the Chamber of Commerce; non-resident assignees to have resident representatives.

**FORFEITURE.**—Patents become void, if the regulations regarding practice of the invention be neglected, or if annulled by the courts upon due proof that the invention, when patented, was old, or had been already patented within the kingdom, that the description was false, or imperfect, or that the patentee was not the inventor.

## NORWAY.

*(July 19, 1839.)*

**TO WHOM AND FOR WHAT GRANTED.**—Patents are granted to inventors, native or foreign, for inventions absolutely new, useful, and of importance.

**PREVIOUS EXAMINATION.**—Applications are submitted to a strict examination, and often refused, without giving the reasons for refusal.

**DURATION.**—The duration of a Norwegian patent varies from five to ten years, at the will of the government.

**OPERATION.**—Two years are allowed, within which to practice a patented invention.

In other respects, the Norwegian do not differ from the Swedish regulations concerning patents, and the cost is the same in both countries.

## DENMARK

HAS NO SPECIAL PATENT LAW.

**PATENTS**, however, are granted to inventors, and first importers, native or foreign, after a slight examination.

**DURATION.**—The duration of a patent is fixed by the Government, and cannot, in any case, exceed twenty years, while for patents of importation, it is confined to five. Prolongations are seldom granted.

**TAX.**—The Government Tax is payable in advance, and for an application in the name of more than one person is doubled. In addition to the regular tax, various stamp duties are to be paid.

**COST.**—The ordinary cost of a Danish patent obtained through these Offices is £42.

**DATE.**—A Danish patent dates from the reception of the application.

**OPERATION.**—The working of a patented invention must commence within the first year of the patent, and continue without interruption under penalty of forfeiting the privilege.

**EFFECT.**—Danish patents do not prevent the introduction into Denmark of objects manufactured abroad, similar to those patented, and they become void if the invention be not new, or be not worked within the specified time.

**ASSIGNMENTS.**—Assignments are not allowed, but transfers may be effected by a joint petition, addressed to the Government by the assignor and assignee, requesting that a new patent may be delivered to the latter.

**IMPROVEMENTS.**—Improvements must be secured by new patents.

## SPAIN.

*(Royal Decree and Instructions, March 27, 1826, June 14, and Dec. 23, 1829, and Jan. 11, and July 16, 1849.)*

**TO WHOM AND FOR WHAT GRANTED.**—**PREVIOUS EXAMINATION.**—Patents of invention or of introduction are granted to natives or foreigners, without any examination by, or guarantee of the Government.

**DURATION.**—The terms granted are five, ten, or fifteen years, at the option of the applicant, excepting the invention has been practiced abroad, in which case a patent of introduction only, for five years, can be obtained.

**PROLONGATION.**—Patents for five years (if for *original* inventions) may be prolonged for five more, but patents for ten or fifteen years may not be extended.

**TAX.**—The Government Tax is payable in advance for the term demanded.

<b>COST.</b> —The cost of a Spanish patent of invention for	
five years will be about . . . . .	£48.
ten   “   “ . . . . .	69.
fifteen “   “ . . . . .	105

for a patent of introduction the cost is about the same as for a ten years patent of invention.

**DATE.**—A Spanish patent dates from the grant.

**OPERATION—FORFEITURE.**—A patentee must carry his invention into effect within a year and a day after the date of the patent, and must not cease to work it for a like space of time, otherwise the patent will become void, as it also will if the invention has been previously known abroad, and the patent be for an original invention, instead of a patent of introduction.

**ASSIGNMENTS** must be by deed, stating specifically their extent, and a copy of the deed must be delivered to the Government, within a month from the date of the assignment.

**IMPROVEMENTS** must be protected by new patents.

Spanish patents do not extend to the colonies of that country.

## CUBA.

**TO WHOM AND FOR WHAT GRANTED.**—Patents are granted for objects of the patentees own invention, as well as for importations from other countries.

**DURATION—PROLONGATION.**—In the first case they are granted for five, ten, or fifteen years, at the option of the applicant, and if granted for five years, may be extended to ten; but for importations they are granted for five years only, without privilege of extensions.

**TAX.**—The Government Tax varies according to the term, and for patents of importation is the same as for ten years patent of invention.

COST.—The cost of a Cuban patent of invention for									
five years will be	.	.	.	.	.	.	.	.	£
ten " "	.	.	.	.	.	.	.	.	
fifteen " "	.	.	.	.	.	.	.	.	

OPERATION.—Patented inventions must be worked within a stipulated time, and operation must continue for a year and a day without interruption, under penalty of forfeiting the patent.

## PORTUGAL.

(*Royal Decree, Dec. 31, 1852.*)

TO WHOM AND FOR WHAT GRANTED.—PREVIOUS EXAMINATION.—Patents of invention or of introduction are granted to natives or foreigners, without previous examinations or guarantee of the priority or merit of the invention.

DURATION.—Patents of invention are granted for fifteen years, or for a less term, at the option of the applicant, no subsequent prolongation being granted. To inventors already having foreign patents, no longer term will be granted than will make up fifteen years, from the date of the foreign patent, and the importer of an invention, (not being himself the inventor,) cannot obtain a patent for more than five years.

TAX.—Government Tax is payable in advance, for the number of years demanded for a patent.

A Portugese patent will cost for five years	.	.	£36.
" " " ten "	.	.	66.
" " " fifteen "	.	.	98.

DATE.—The patentee's privilege commences from the delivery of the patent.

FORFEITURE.—OPERATION.—The patent becomes void if the invention be not practiced within the first half of the term granted, and patentees are required to publicly expose their manufacture in operation, twice a month, three days previous notice having been given in the official journal.

ASSIGNMENTS.—Assignments are to be notified to the Minister of the Interior.

IMPROVEMENTS.—Improvements made upon a patented invention, by the patentee *himself*, may be gratuitously protected by means of a Certificate of Addition.

## THE BRITISH COLONIES

Of British Guiana, Canada, Cape of Good Hope, Ceylon, India, Jamaica, Newfoundland, New South Wales, New Zealand, Queensland, Tasmania, Trinidad, and Victoria, (Australia), grant patents under their own laws, which extend the privilege of obtaining them to foreigners, except in the case of Canada, where the patent law extends the right of patenting only to British subjects *resident in Canada* for inventions or discoveries of their own, or introduced by them from foreign countries, the *United States of America*, and the Queen's dominions in Europe and America, especially excepted. There is reason for hoping that this illiberal law will shortly be replaced by one of a fairer character.

*Victoria* (Australia) Patents are regulated by a law of March, 1857, the proceedings under which are very like those for obtaining British patents.

The duration is fourteen years or the term of a foreign patent for the same invention.

The first cost of a Victorian patent will vary from £40 to £60. A Government Tax of £15 is payable before the expiration of the third year, and a further tax of £20 before the expiration of the seventh year.

## INDIA.

Patents are here granted to inventors, or their personal representatives or assignees for new and useful improvements in any art, process, or manner of producing, preparing, or making an article, or in any article prepared or produced by manufacture.



An invention is considered new, if at the time of application it has not been publicly used, or publicly known by means of written or printed publications in any part of India, or of the United Kingdom; but any inventor who has obtained letters patent in the United Kingdom, may, on making application within six months after filing his complete English specification, obtain protection in India.

The mere filing of the applicant's specification confers upon him the rights of a patentee for fourteen years, leave for such filing having been previously obtained from the Government.

| The ordinary cost of an Indian patent will be £50.

### CAPE OF GOOD HOPE.

Patents are here regulated by a system very much resembling that of Great Britain.

| Cost about £40, subject to a tax of about £10, at the end of the third, and of £20 at the end of the seventh year.

### OTHER BRITISH COLONIES.

Cost of patent in Jamaica . . . .	about £45
" " Newfoundland . . . .	" 40
" " New South Wales . . . .	" 60
" " New Zealand . . . .	" 60
" " Queensland . . . .	" 60
" " Tasmania . . . .	" 40
" " Trinidad . . . .	" 65
" " British Guinea . . . .	" 40
" " Ceylon . . . .	" 45

### MEXICO.

TO WHOM AND FOR WHAT GRANTED.—Patents are granted to natives or foreigners for inventions or improvements.

**DURATION.**—The duration is, in the case of an invention, ten years, in that of an improvement, six years.

**TAX AND COST.**—The patent fees vary considerably, so that no estimate of cost can be given.

## STATES OF SOUTH AMERICA.

### BRAZIL.

**TO WHOM AND FOR WHAT GRANTED.**—Patents are granted without previous examination or guarantee, to natives or foreigners, for any invention or improvement.

Patents of *invention* only are granted, but the importer of a foreign discovery is entitled to a premium, the value of which depends upon that of the discovery.

**DURATION.**—The duration of a patent is fixed by the Government, and varies from five to twenty years.

**TAX.**—There is no Government Tax upon patents, but expenses for the great seal, and other administrative formalities must be paid.

| Cost, about £60.

**OPERATION.**—A patented invention must be worked within two years, dating from the delivery of the patent.

**ASSIGNMENTS.**—There is no special law to regulate assignments.

**FORFEITURE.**—Patents become void, if not worked within the specified time, *if the patentee afterwards obtain a foreign patent for the same invention*, or if the invention be proved to be old.

### CHILI, PERU, NEW GRENADA.

**TO WHOM AND FOR WHAT GRANTED.**—Patents are granted in these states for inventions, original or imported, to natives, or to foreigners, upon condition that they initiate a certain number of natives in the operation of the discovery or invention.

**DURATION.**—The Governments fix the duration of patents, the term being at least twenty-five years.

**OPERATION.**—The operation of patented inventions must take place with the least possible delay, the importation of the patented object being deemed operation.

**COST.**—The cost of each of these patents, is about the same as for a Brazilian patent.

## **ARGENTINE CONFEDERATION.**

*(Law of October 15, 1855.)*

**TO WHOM AND FOR WHAT GRANTED**—Patents are granted, without previous examination or any guarantee, to inventors or first importers.

Absolute novelty within the republic is requisite, and medicines, and merely theoretic inventions are not patentable.

**DURATION.**—The duration, at most ten years, is only five for importations or improvements.

**DATE—OPERATION.**—A patent dates from the filing of the application, must be worked within the first year, and is somewhat costly.

## **PARAGUAY.**

*(Law of May 25, 1845.)*

**TO WHOM AND FOR WHAT GRANTED.**—To non-residents, patents of introduction *only*, are granted, for inventions made or patented abroad.

**DURATION.**—Such patents expire six months after the foreign patent.

**TAX.**—There is no regular tax, but there are variable administrative expenses .

**OPERATION.**—Two years are allowed for operation.

**FORFEITURE.**—A patentee forfeits his patent, if he afterwards obtain one abroad, without permission of the Government.

**Should more minute particulars than those given above be required, they can be obtained on application to the Proprietor of these Offices, or to the Clerk, who has special charge of the Foreign Department.**

## CERTIFICATES.

---

BURLINGTON, IOWA, }  
October, 2d, 1857. }

DEAR SIR:—I take this occasion to state to you, that for several years past I have been acquainted with the manner in which you have conducted your business as Patent Solicitor. This has always been highly creditable to yourself and satisfactory to the Patent Office. You understood your cases well, and presented them in that intelligible form which generally insured success. I forward this certificate, hoping that it may be serviceable to you in continuing to find that employment in your profession, to which your intelligence, industry and courteous bearing so justly entitle you.

Yours, very truly,

CHARLES MASON,  
*Late Commissioner of Patents.*

HENRY HOWSON, Esq.

---

NATIONAL ASSOCIATION OF WOOL MANUFACTURERS, }  
55 Summer St., Boston, Mass., Oct. 6, 1865. }

MY DEAR SIR:—It gives me great pleasure to give my testimony as to the manner in which you conducted your business, as a Solicitor of Patents, during the four years that I was Chief Clerk and Executive Officer of the U. S. Patent Office, and for a considerable period Acting Commissioner.

During that time your business at the Patent Office was surpassed in extent by but one firm in New York. The papers presented by you, specifications, drawings, correspondence, &c., were invariably models of neatness, accuracy, and legal precision. They were frequently pointed out to younger solicitors as among the best examples and precedents for practice in the office. Your intercourse with the office was so conducted that all the rights of your clients

were secured without personal controversy. With the best opportunities for judging, I do not hesitate to say that your thorough knowledge of mechanics and patent law places you in the first rank of the Solicitors of Patents of the United States.

Very truly, yours,

JOHN L. HAYES,

*Late Chief Clerk and Executive Officer  
U. S. Patent Office.*

H. HOWSON, Esq.,

*Philadelphia, Pa.*

---

WASHINGTON, D. C., }  
Nov. 20th, 1865. }

I fully and cheerfully endorse the statement made by Mr. Hayes in the above letter, and commend Mr. Howson to the patronage of the inventors of the Country.

D. P. HOLLOWAY,

*Late Commissioner of Patents.*

## REFERENCES.

---

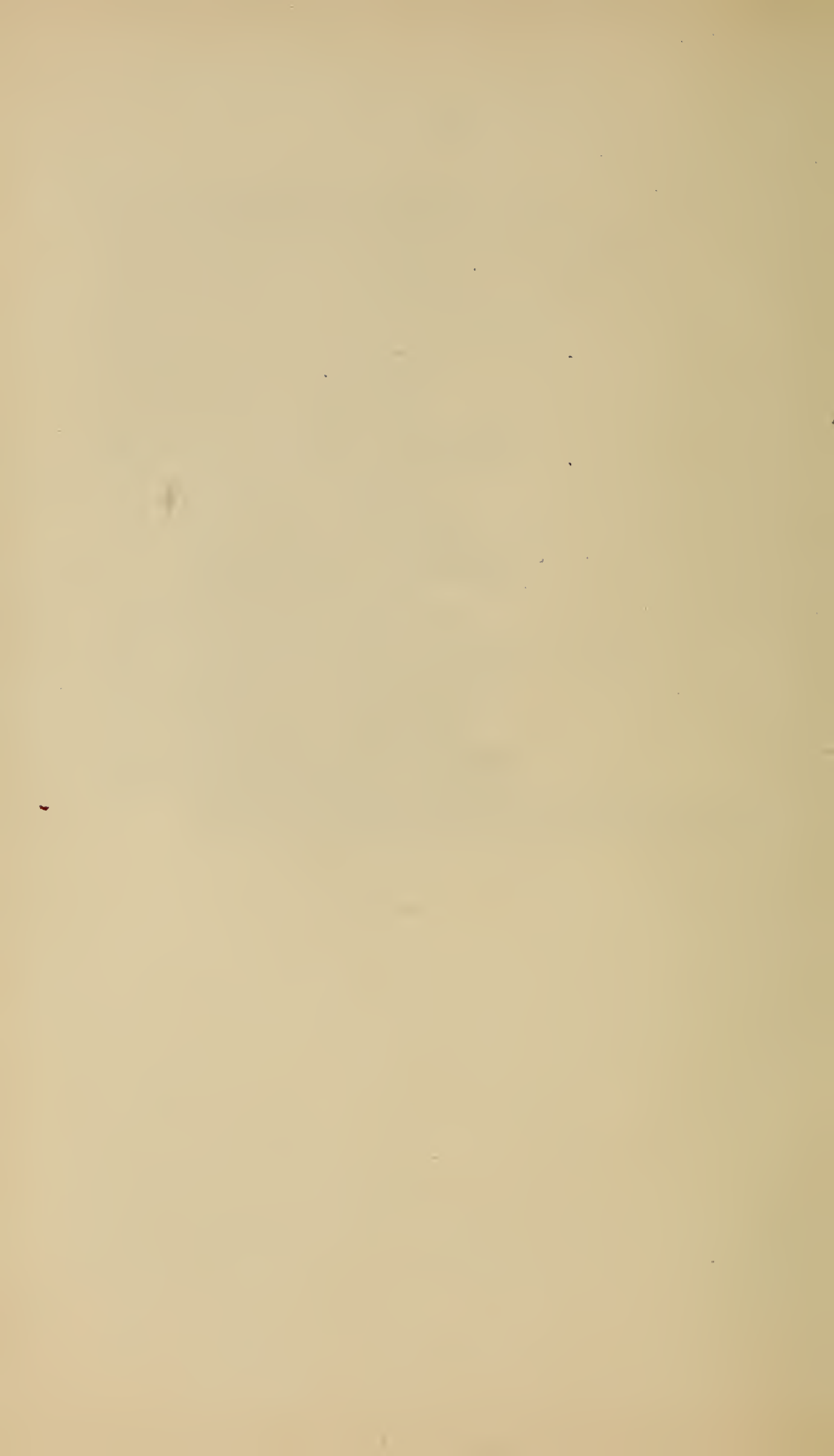
- THEODORE CUYLER, Esq., *Attorney-at-Law, Philadelphia.*  
FURMAN SHEPPARD, Esq., *Attorney-at-Law, Philadelphia.*  
DAVID PAUL BROWN, Esq., *Attorney-at-Law, Philadelphia.*  
W. H. RAWLE, Esq., *Attorney-at-Law, Philadelphia.*  
F. C. BREWSTER, Esq., *Attorney-at-Law, Philadelphia.*  
J. C. TRAUTWINE, Esq., *C. E., Philadelphia.*  
J. W. MURPHY, Esq., *C. E., Philadelphia.*  
F. C. LOWTHORP, Esq., *C. E., Trenton, N. J.*  
J. F. WARD, Esq., *C. E., Phillipsburg, N. J.*  
PROF. J. F. FRAZER, *Philadelphia.*  
PROF. R. E. ROGERS, *Philadelphia.*  
PROF. B. H. RAND, *Philadelphia.*  
PROF. W. W. W. WOOD, *Chief Engineer, U. S. N., Annapolis, Md.*  
S. ARCHIBALD, Esq., *late Engineer-in-Chief, U. S. N., Chester, Pa.*  
MESSRS. ABBOTT & NOBLE, *Liberty Stove Works, Philadelphia.*  
“ STUART & PETERSON, *Willow Street Foundry, Philada.*  
“ SEYFERT, McMANUS & CO., *Iron Works, Reading, Pa.*  
“ CARR & CO., *Umbrella Works, Philadelphia.*  
“ MORGAN & ORR, *Engineers, Philadelphia.*  
“ COX, WHITEMAN & COX, *Stove Works, Philadelphia.*  
“ BEMENT & DOUGHERTY, *Industrial Works, Philadelphia.*  
BORDENTOWN MACHINE CO., *Bordentown, N. J.*  
HENRY WOOD, Esq., *Superintendent of Media R. R. Co.*  
MESSRS. PASCHALL MORRIS & CO., *Agricultural Works, Philada.*  
“ MURPHY & ALLISON, *Car Works, Philadelphia.*  
“ HARTELL & LETCHWORTH, *Glass Warehouse, Philada.*  
“ GRINNELL & SON, *Jewelry Manuf'rs, N. Y. & Jersey City.*  
“ C. A. VAN KIRK & CO., *Lamps, &c., Frankford.*  
BORIE & MACKIE, *Frankford.*  
LOCKWOOD MFG CO., *Philadelphia.*  
HAY & CO., *Glass Manufacturers, Winslow, N. J.*  
SHARPS' RIFLE CO., *Hartford, Conn.*  
MESSRS. MERRICK & SONS, *Philadelphia.*  
“ STILEMAN & ELLIS, *Foundry, Philadelphia.*  
“ MISKEY, MERRILL & THACKARA, *Gas Fixtures, Phila.*  
THE DAVIS CAR SPRING CO., *Philadelphia.*  
THE UNION PAPER BAG MACHINE CO., *Bethlehem, Pa.*



- THE JOSLYN FIRE-ARMS CO., *Stonington, Conn.*  
 MESSRS. FIRTH & INGHAM, *Warren Foundry, near Easton.*  
 WM. WHARTON, JR., Esq., *Philadelphia and New York.*  
 J. L. McKNIGHT, Esq., *Bordentown, N. J.*  
 W. F. WARBURTON, Esq., *Hatter, Philadelphia.*  
 C. SHARPS, Esq., *Fire-Arm Factory, Philadelphia.*  
 A. B. DAVIS, Esq., *Scale Works, Philadelphia.*  
 H. DISSTON, Esq., *Keystone Saw Works.*  
 M. LANDENBERGER, Esq., *Knitted Fabrics, Philadelphia.*  
 H. MAULL, Esq., *Lumber Merchant, Philadelphia.*  
 N. MIDDLETON, Esq., *Iron Merchant, Philadelphia.*  
 A. B. COOLEY, Esq., *Contractor, Philadelphia.*  
 J. B. POTT, Esq., *Engineer, &c., Pottsville.*  
 J. MILHOLLAND, Esq., *Reading Rail Road, Reading.*  
 G. C. HOWARD, Esq., *Machinist, Philadelphia.*  
 WM. HAMILTON, Esq., *Actuary, Franklin Institute.*  
 JOHN AGNEW, Esq., *Engineer, &c., Philadelphia.*  
 S. COMFORT, JR., Esq., *Morrisville, Pa.*  
 T. DOLAN, Esq., *Knitted Fabrics, Philadelphia.*  
 S. NEEDHAM, Esq., *Knitted Fabrics, Frankford.*  
 MESSRS. ISAAC A. SHEPPARD & CO., *Stove Works, Philadelphia.*  
 " THE BUTTON HOLE SEWING MACHINE CO., *Philada.*  
 WILLOUGHBY H. REED, Esq., *New York.*  
 R. S. VAN RENSSELAER, Esq., *Bordentown, New Jersey.*  
 ALFRED THOMPSON, Esq., *Bordentown, New Jersey.*  
 J. MOLYNEUX, Esq., *Bordentown, New Jersey.*  
 WM. ADAMSON, Esq., *Philadelphia.*  
 ABRAHAM HART, Esq., *Philadelphia.*  
 DONALD McKAY, Esq., *Ship Builder, Boston, Mass.*  
 B. H. BARTOL, Esq., *Engineer, &c., Philadelphia.*  
 ALLEN MIDDLETON, JR., Esq., *Philadelphia.*  
 HERMAN J. LOMBAERT, Esq., *Philadelphia.*  
 E. LANE, Esq., *Carriage Builder, Philadelphia.*  
 B. C. SMITH, Esq., *Burlington, New Jersey.*  
 MESSRS. SMITH & BROWN, *Stove Pattern Makers, Philadelphia.*  
 " THE PEOPLE'S WORKS, *Philadelphia.*  
 J. C. SCHLOUGH, Esq., *Easton, Pennsylvania.*  
 A. WOLLE, Esq., *Bethlehem, Pennsylvania.*  
 MESSRS. BOYER & BRO., *Philadelphia.*  
 " EMLIN, PASSMORE & GRAHAM, *Philadelphia.*  
 J. H. COOPER, Esq., *People's Works, Philadelphia.*  
 J. COX, M. D., *Philadelphia.*  
 C. M. CRESSON, C. E., *Philadelphia.*  
 J. RICE, Esq., *Philadelphia.*  
 HON. J. W. FORNEY, *Philadelphia.*  
 H. G. LEISENRING, Esq., *Philadelphia.*

- T. M. COLEMAN, Esq., *Philadelphia*.  
 MESSRS. HANDY & RRENNER, *Philadelphia*.  
 W. P. WALTER, Esq., *Philadelphia*.  
 J. G. KERSHAW, Esq., *Attorney-at-Law, Philadelphia*.  
 MESSRS. LUCAS & CO., *Philadelphia*.  
 ISAAC REHN, Esq., *Philadelphia*.  
 MESSRS. J. S. MASON & CO., *Philadelphia*.  
 H. BELFIELD, Esq., *Philadelphia*.  
 A. RANKIN, Esq., *Philadelphia*.  
 J. O. MEAD, Esq., *Philadelphia*.  
 MESSRS. BARKER BROS., *Philadelphia*.  
 FRANKLIN PEALE, Esq., *Philadelphia*.  
 J. TUCKER, Esq., *Philadelphia*.  
 J. E. WOOTTEN, Esq., *Reading, Pa.*  
 G. S. LOVELL, Esq., *Philadelphia*.  
 J. P. LAIRD, Esq., *Altoona, Pennsylvania*.  
 B. H. LIGHTFOOT, Esq., *Philadelphia*.  
 T. A. NIXON, Esq., *Manayunk*.  
 MARTIN NIXON, Esq., *Manayunk*.  
 T. MORRIS PEROT, Esq., *Philadelphia*.  
 MESSRS. FURBUSH & GAGE, *Camden, New Jersey*.  
 H. W. HENSEL, Esq., *Philadelphia*.  
 H. C. BEACH, Esq., *Rome, New York*.  
 G. P. FARMER, Esq., *Philadelphia*.  
 LAWRENCE MYERS, Esq., *Philadelphia*.  
 MESSRS. WOOD & PEROT, *Philadelphia*.  
 “ THE ANTI-INCRUSTATION CO., *Philadelphia*.  
 “ THE AUTOMATIC BOILER FEEDER CO., *Philadelphia*.





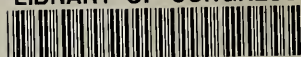








LIBRARY OF CONGRESS



0 027 989 875 8